

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :20.09.2018

PRONOUNCED ON:25.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.No.52 of 2018
and
C.M.P.No.1415 of 2018

Saranya

...Petitioner

Vs.

Jawahar Babu

...Respondent

Prayer:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in H.M.O.P.No.327 of 2017 from the file of the Family Court at Coimbatore and to transfer the same to Family Court, Salem.

For Petitioner :Mrs.E.Gomathi

For Respondent : No appearance
Set exparte
Vide order dated 20.09.2018.

O R D E R

The petitioner is the wife. The respondent is the husband.

2. The respondent has levied a divorce case against the petitioner in H.M.O.P.No.327 of 2017 and the same is pending on the file of the Family Court, Coimbatore. It is also noted that the petitioner has preferred Domestic Violence case against the respondent in D.V.O.P.No.87 of 2017 and the same is pending on the file of the Special Magistrate [Mahila Court] Salem.

3. Seeking transfer of the proceeding from Coimbatore Court to Salem Court, the present Transfer Miscellaneous petition has been laid by the petitioner on the

ground that the distance between her residence and Coimbatore Court is on the higher side and she is unable to travel to Coimbatore Court from Salem and her aged parents are unable to accompany her due to their physic ailments and old age and accordingly, prayed for the transfer.

4. In this matter, though the respondent had been served, he has not evinced interest to enter appearance and resist the transfer request of the petitioner. Accordingly, the respondent having been called and remaining absent, been set exparte.

5.The petitioner has put forth certain inconvenience and hardship in attending the proceeding at Coimbatore Court. The same is not repudiated by the respondent. Thus, it is found that the petitioner has made out a sufficient cause for accepting the transfer request projected by her.

6.Furthermore, the respondent would be required to attend the Domestic Violence case preferred by the petitioner against him pending on the file of the Salem Magistrate Court. In such view of the matter, if the matrimonial proceeding is transferred from Coimbatore Court to Salem Court, by way of the same, it is seen that no serious prejudice would be caused to the respondent and accordingly, it is found that, despite the notice having been served, he has not evinced interest to contest the transfer request of the petitioner.

7.In the light of the above reasons, H.M.O.P.No.327 of 2017 is withdrawn from the file of the Family Court, Coimbatore and transferred to the file of the Family Court, Salem for disposal as per law. Accordingly, the Transfer Miscellaneous Petition is allowed. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

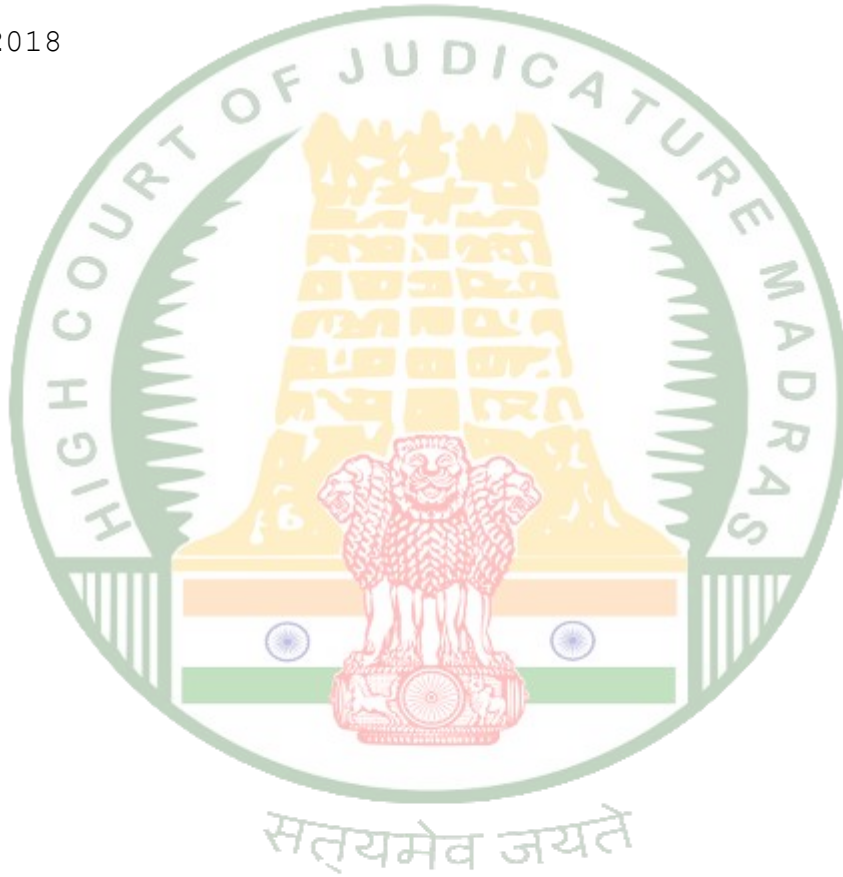
1. The Family Court at Coimbatore.

2.The Family Court, Salem.

+1cc to Mr.J.Franklin, Advocate s.rno.66053

Tr.C.M.P.No.52 of 2018
and
C.M.P.No.1415 of 2018

nr 16/10/2018



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